

Notice of Allowability

Application No.

10/619,438

Examiner

Chriss S. Yoder, III

Applicant(s)

YANO, KOTARO

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/13/2007.
2. ☒ The allowed claim(s) is/are 1, 2, 5, 6, 8, and 10 (now renumbered 1-6).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

- ☐ Notice of Informal Patent Application
- ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____



LIN YE
SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Klock on January 18, 2008.

The application has been amended as follows:

Claim 2. (Currently Amended): An image processing apparatus according to Claim 1, further comprising a discrimination unit, adapted to discriminate whether or not a photographing mode corresponding to the input image data is a person mode, wherein the image correction unit does ~~not~~ perform the correction to the input image data in a case where it is discriminated by the discrimination unit that the photographing mode corresponding to the input image data is the person mode.

Allowable Subject Matter

Claims 1, 2, 5, 6, 8, and 10 are allowed.

The following is an examiner's statement of reasons for allowance:

As for **claim 1**, the prior art does not teach or fairly suggest the use of an image processing apparatus which performs a correction based on a feature amount of image data of a face region, the image processing apparatus comprising a face region extraction unit, adapted to extract the face region of a person from input image data, a

judgment unit, adapted to judge whether or not an area of the face region is larger than a predetermined value, a determination unit, adapted to determine, in a case where it is judged by the judgment unit that the area of the face region is larger than the predetermined value, whether or not to perform the correction to the input image data based on a first feature amount of the input image data of the face region and a second feature amount of corrected image data of the face region, and an image correction unit, adapted to perform the correction of the input image data in a case where it is determined by the determination unit to perform the correction to the input image data, wherein the image correction unit does not perform the correction to the input image data in a case where it is judged by the judgment unit that the area of the face region is smaller than the predetermined value, and in a case where it is determined by the determination unit not to perform the correction to the input image data.

As for **claim 8**, the prior art does not teach or fairly suggest the use of an image processing method which performs a correction based on a feature amount of image data of a face region, the method comprising extracting a face region of a person from input image data, judging whether or not an area of the face region is larger than a predetermined value, determining, in a case where it is judged in the judging step that the area of the face region is larger than the predetermined value, whether or not to perform the correction to the input image data based on a first feature amount of the input image data of the face region and a second feature amount of corrected image data of the face region, and correcting the input image data in a case where it is determined in said determining step to perform the correction to the input image data,

wherein said correcting step does not perform the correction to the input image data in a case where it is judged in said judging step that the area of the face region is smaller than the predetermined value and in the case where it is determined in said determining step not to perform the correction to the input image data.

As for **claim 10**, the prior art does not teach or fairly suggest the use of a computer-readable recording medium containing a program for causing a computer to execute a process to perform a correction based on a feature amount of image data of a face region, the process comprising extracting a face region of a person from input image data judging whether or not an area of the face region is larger than a predetermined value, determining, in a case where it is judged in said judging step that the area of the face region is larger than the predetermined value, whether or not to perform the correction to the input image data based on a first feature amount of the input image data of the face region and a second feature amount of corrected image data of the face region, and correcting the input image data in a case where it is determined in said determining step to perform the correction to the input image data, wherein said correcting step does not perform the correction to the input image data in a case where it is judged in said judging step that the area of the face region is smaller than the predetermined value and in a case where it is determined in said determining step not to perform the correction to the input image data.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CSY
January 18, 2008


LIN YE
SUPERVISORY PATENT EXAMINER